



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF FAMILY AND MEDICAL LEAVE

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June 27, 2022

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RE: NOTICE OF PROPOSED REGULATIONS PURSUANT TO MA EXECUTIVE ORDER #145

Dear representatives of the Local Government Advisory Committee (L.G.A.C.) and Department of Community Affairs (D.C.A.)(as applicable),

Pursuant to Massachusetts Executive Order #145, this email represents notice at least 14 days prior to giving notice of a public hearing or comment period under M.G.L. c. 30A related to a proposed Department of Family and Medical Leave (DFML) regulation amendment.

Brief statement describing the proposed action: The DFML seeks to update its regulations to clarify the Massachusetts Paid Family and Medical Leave (PFML) law (M.G.L. 175, c. 1 et seq.) and reflect the legislative amendment of M.G.L. c. 175M, sec. 2, which added language not in the original law. The amendment to 458 CMR 2.16 updates the regulation to reflect DFML's longstanding interpretations regarding the PFML law, generally, and the amendment to M.G.L. c. 175M, sec. 2, specifically. The amendment to 458 CMR 2.16 clarifies and details the statutory obligation of an employer to maintain employment-related health insurance benefits, if any, for employees during an employee's PFML leave period pursuant to M.G.L. c. 175M, sec. 2 and M.G.L. c. 175M, sec. 9.

An electronic copy of the DFM's proposed regulation updates accompanies this letter.

The DFML's best judgment of elements which might impact on local government: Local governments are by default excluded from participation in the PFML program. See, M.G.L. c. 175M, sec. 1 (definition of Employer). Hence, the DFML's proposed regulations will have no impact on exempt municipalities, and is not likely to require such municipalities to:

- a) significantly expand existing services;
- b) employ additional personnel;

- c) significantly alter administrative and work procedures;
- d) realign organizational structures;
- e) increase disbursements which are not reimbursed by the federal or state government; or,
- f) limit the discretion exercised by local officials.

Pursuant to M.G.L. c. 175, sec. 10, some municipalities have elected to participate in the PFML program so that their employees can receive the benefit of paid family and medical leave under M.G.L. c. 175. The DFML's proposed regulations will have little to no impact on municipalities participating in the PFML program. Participating municipalities presumably have established their PFML infrastructure, including having designated a PFML Leave Administrator, begun providing employees with notice of their rights and obligations under the PFML, and implemented a program to collect and deliver contributions to the PFML Trust Fund. Hence, the proposed updates to the regulations are not likely to require participating municipalities to:

- a) significantly expand existing services;
- b) employ additional personnel;
- c) significantly alter administrative and work procedures;
- d) realign organizational structures;
- e) increase disbursements which are not reimbursed by the federal or state government; or,
- f) limit the discretion exercised by local officials.

Best,

s/ William J. Alpine

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Attachment